

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/852,420
Filing Date May 10, 2001
Inventorship Cadet et al.
Assignee Lucent Technologies Inc.
Group Art Unit 1731
Examiner J. Derrington
Attorney's Docket No. Cadet 18-8
Title: Silica Structure Crack Monitoring

Response To Restriction Requirement Dated December 24, 2002

To: Commissioner of Patents and Trademarks
Washington, D.C. 20231

From: Robert R. Axenfeld (Tel. Tel. 215-923-4466; Fax 215-923-2189)
Synnestvedt & Lechner LLP
2600 Aramark Tower, 1101 Market Street
Philadelphia, PA 19107

RECEIVED
FEB - 3 2003
TECHNOLOGY CENTER 1100

ELECTION/RESTRICTION

The claims are subjected to a restriction requirement under 35 U.S.C. §121,
as containing two patentably distinct inventions:

Group I: Claims 1-12 and 22, drawn to a process; and

Group II: Claims 13-21 drawn to an apparatus.

Applicant hereby elects, **with traverse**, to prosecute Group I in the event
that the restriction requirement is maintained. The election is made with traverse
because there are efficiencies to be gained from examining the claim set entirely.
First, the Examiner will most likely perform overlapping searches when
examining these groups. This is evidenced by the fact that some of the dependent

1 claim in both Groups pertain to apparatus and/or processes. MPEP § 803 states
2 that [i]f the search and examination of an entire application can be made without
3 serious burden, the examiner must examine it on the merits, even though it
4 includes claims to independent or distinct inventions." (emphasis added). Second,
5 there is increased cost to Assignee and an increased burden to the Patent Office for
6 prosecuting two separate applications.

7 Applicant respectfully requests reconsideration of the restriction
8 requirement and additional examination of the withdrawn claims in Group II. At
9 this point, Claims 13-21 have not been canceled in the hope that the restriction
10 requirement will be removed. If the restriction is maintained, however, Applicant
11 will cancel claims 13-21 in a subsequent response.

12
13 CONCLUSION

14 Applicant respectfully requests withdrawal of the restriction requirement.

15
16 Date: JAN. 21, 2003

Respectfully Submitted,

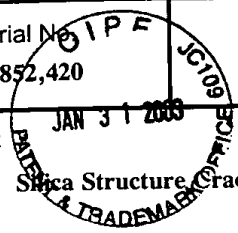
17 By: Robert R. Axenfeld
18 Robert R. Axenfeld
19 Reg. No. 37,276
20 (215) 923-4466
21
22
23
24
25

1731

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8) Applicant(s): Cadet et al.	Docket No. P25,752 USA
--	---------------------------

Serial No. 09/852,420	Filing Date May 10,2001	Examiner J. Derrington	Group Art Unit 1731
--------------------------	----------------------------	---------------------------	------------------------

Invention: Stitch Structure Crack Monitoring



I hereby certify that this Response to Restriction Requirement Dated December 24, 2002
(Identify type of correspondence)
is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The
Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on January 21, 2003
(Date)

Dorothy M. Musgreave
(Typed or Printed Name of Person Mailing Correspondence)
Dorothy M. Musgreave
(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.

RECEIVED
FEB - 3 2003
TECHNOLOGY CENTER 1700